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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,847	08/06/2001	Maclen Marvit	53635-0505	2160

29989   7590   12/12/2005

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EXAMINER
BAUM, RONALD

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td colspan="2">Application No.
09/923,847</td><td colspan="2">Applicant(s)
MARVIT ET AL.</td></tr>
<tr><td colspan="2">Examiner
Ronald Baum</td><td>Art Unit
2136</td><td></td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
> Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 September 2005*.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *16-48* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *16-48* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in reply to applicant's correspondence of 19 September 2005.

2.   Claims 16-48 are pending for examination.

3.   Claims 16-48 remain rejected.

Specification

The disclosure objection is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 16,20-22,25-27,30-33,37-39,43-45 are rejected under 35 U.S.C. 102(e) as being

anticipated by Matsumoto, U.S. Patent 6,215,877 B1.

4.   As per claim 16; "A method for controlling access to a message that is communicated

from a first node to a second node in a network, the method comprising the computer-

implemented steps of:

generating, at the first node,

an encoded message by encoding the message with a key *[figures 4-7 and associated descriptions, whereas the individual chat clients on the chat network receiving secret keys (i.e., inherently generated per se in order to have been transferred) for the subsequent data transfer (i.e., the chat content data, post message encoding), as a result of requesting to establish a chat channel, clearly encompasses the "... generating ... first node ... encoded message ... key ... ", as broadly interpreted by the examiner.]*;

generating, at the first node,

a set of one or more instructions that contain

the encoded message and

instructions for decoding the encoded message using the key *[figures 4-7 and associated descriptions, whereas the individual chat clients on the chat network receiving secret keys (i.e., inherently generated and identified as part of the 2 chat participating nodes identity per se in order to have been transferred) for the subsequent data transfer (i.e., the chat content data, post message encoding), as a result of requesting to establish a chat channel, and, whereas the key generation knows to 'whom' it must establish a decoding key (i.e., the 1st chat participant identity must be made known to the key generating element), clearly encompasses the "... generating ... first node ... instructions ... decoding ...encoded message ...", as broadly interpreted by the examiner.]*; and

providing the set of one or more instructions to the second node *[figures 4-7 and associated descriptions, whereas the individual chat clients on the chat network receiving secret keys for the subsequent data transfer, as a result of requesting to establish a chat channel, and,*

whereas the key generation knows to 'whom' it must establish a decoding key (i.e., the 1ˢᵗ and 2ⁿᵈ

chat participant identities was known to the key generating element, for the keys (i.e.,

instructions) to have been subsequently sent), clearly encompasses the "...providing ...

instructions ... second node ... ", as broadly interpreted by the examiner.];

wherein, processing the set of one or more instructions at the second node causes the

message to be recovered from the encoded message contained in the set of one or more

instructions by:

retrieving the key, and

decoding the encoded message using the key *[figures 4-7 and associated*

descriptions, as broadly interpreted by the examiner.]".

Further, as per claim 21, this claim is the embodied software claim for the method claim

16 above, and is rejected for the same reasons provided for the claim 16 rejection, as such; "A

computer-readable medium for controlling access to a message that is communicated from a first

node to a second node in a network, the computer-readable medium carrying one or more

sequences of one or more instructions which, when executed by one or more processors, cause

the one or more processors to perform the steps of:

generating, at the first node,

an encoded message by encoding the message with a key;

generating, at the first node,

a set of one or more instructions that contain

the encoded message and

instructions for decoding the encoded message using the key; and

providing the set of one or more instructions to the second node;

wherein, processing the set of one or more instructions at the second node causes the

message to be recovered from the encoded message contained in the set of one or more

instructions by:

retrieving the key, and

decoding the encoded message using the key to recover the original message.".

Further, as per claim 26, this claim is the apparatus claim for the method claim 16 above,

and is rejected for the same reasons provided for the claim 16 rejection, as such; "A computer

system comprising:

one or more processors; and

a memory communicatively coupled to the one or more processors and carrying one or

more sequences of one or more instructions which, when executed by the one or more

processors, cause the one or more processors to perform the steps of:

generating, at the first node,

an encoded message by encoding the message with a key;

generating, at the first node,

a set of one or more instructions that contain

the encoded message and

instructions for decoding the encoded message using the key; and

providing the set of one or more instructions to the second node;

wherein, processing the set of one or more instructions at the second node causes

the message to be recovered from the encoded message contained in the set of one or

more instructions by:

retrieving the key, and

decoding the encoded message using the key to recover the original

message.".

Further, as per claim 17; "The method as recited in Claim 16, further comprising

deleting the retrieved key *[figures 4-7 and associated descriptions, whereas the*

individual chat clients on the chat network receiving secret keys, subsequently transferring data,

and the channel status monitor section (i.e., figure 7) generating another replacement secret key

(i.e., inherently deleting the effective chat data transfer key, in of itself a function of a policy per

se that is an operational characteristic of the chat system), clearly encompasses the "...deleting

... key", as broadly interpreted by the examiner.]".

Further, as per claim 22, this claim is the embodied software claim for the method claim

17 above, and is rejected for the same reasons provided for the claim 17 rejection, as such; "The

computer-readable medium as recited in Claim 21, further carrying one or more additional

sequences of one or instructions which, when executed by the one or more processors, causes the

one or more processors to perform the additional step of

deleting the retrieved key.".

Further, as per claim 27, this claim is the apparatus claim for the method claim 17 above, and is rejected for the same reasons provided for the claim 17 rejection, as such; "The computer system as recited in Claim 26, wherein the memory further carries one or more additional sequences of one or instructions which, when executed by the one or more processors, causes the one or more processors to perform the additional step of deleting the retrieved key.".

5.   Claim 20 *additionally recites* the limitation that; "The method as recited in Claim 16, wherein

the set of one or more instructions includes

address data that indicates a location from which the key may be retrieved.".
The teachings of Matsumoto are directed towards such limitations (figures 4-7 and associated descriptions, whereas the individual chat clients on the chat network having had received secret keys for the subsequent data transfer, such that the encoding/decoding can properly occur, is inherently an indication that encoding/decoding were provided the same ID, key, etc., and were communicated across the network to the appropriate node address (i.e., identification of location or address), clearly encompasses the "... instructions ... address data ...location ...", as broadly interpreted by the examiner.).

Further, as per claim 25, this claim is the apparatus claim for the method claim 20 above, and is rejected for the same reasons provided for the claim 20 rejection, as such; "The computer-readable medium as recited in Claim 21, wherein

the set of one or more instructions include

address data that indicates a location from which the key may be retrieved.".

Further, as per claim 30, this claim is the apparatus claim for the method claim 20 above,

and is rejected for the same reasons provided for the claim 20 rejection, as such; "The computer

system as recited in Claim 26, wherein

the set of one or more instructions include

address data that indicates a location from which the key may be retrieved.".

6.   As per claim 31; "A method for controlling access to a message that is communicated

from a first node to a second node in a network, the method comprising the computer-

implemented steps of:

generating, at the first node,

an encoded message by encoding the message with a key *[figures 4-7 and*

associated descriptions, whereas the individual chat clients on the chat network

receiving secret keys (i.e., inherently generated per se in order to have been

transferred) for the subsequent data transfer (i.e., the chat content data, post

message encoding), as a result of requesting to establish a chat channel, clearly

encompasses the "... generating ... first node ... encoded message ... key ...", as

broadly interpreted by the examiner.];

generating, at the first node,

a set of one or more instructions that contain

the encoded message and

instructions for transferring to a third node the encoded message
and instructions for retrieving the key *[figures 4-7 and associated*
descriptions, whereas the individual chat clients on the chat network
receiving secret keys (i.e., inherently generated and identified as part of
the 2 chat participating nodes identity per se in order to have been
transferred) for the subsequent data transfer (i.e., the chat content data,
post message encoding), as a result of requesting to establish a chat
channel, and, whereas the key generation knows (i.e., the third node) to
'whom' it must establish a decoding key (i.e., the I^{st} chat participant
identity must be made known to the key generating element), clearly
encompasses the "... generating ... first node ... instructions ... third
node ...encoded message ...", as broadly interpreted by the examiner.];
providing the set of one or more instructions to the second node *[figures 4-7 and*
associated descriptions, whereas the individual chat clients on the chat network receiving
secret keys for the subsequent data transfer, as a result of requesting to establish a chat
channel, and, whereas the key generation knows to 'whom' it must establish a decoding
key (i.e., the I^{st} and 2nd chat participant identities was known to the key generating
element, for the keys (i.e., instructions) to have been subsequently sent), clearly
encompasses the "...providing ... instructions ... second node ...", as broadly interpreted
by the examiner.];

wherein, processing the set of one or more instructions at the second node causes
the encoded message and

the instructions for retrieving the key to be transferred to the third node

[figures 4-7 and associated descriptions, whereas the individual chat clients on

the chat network receiving secret keys for the subsequent data transfer, as a result

of requesting to establish a chat channel, and, whereas the key generation knows

to 'whom' it must establish a decoding key (i.e., the 1st and 2nd chat participant

identities was known to the key generating element, for the keys (i.e., instructions)

to have been subsequently sent), clearly encompasses the "...instructions at the

second node ... instructions for retrieving the key ... third node ...", as broadly

interpreted by the examiner.]; and

wherein, the receiving, at the third node, of

the encoded message and

the instructions for retrieving the key causes:

the message to be recovered from the encoded message by

retrieving the key, and

decoding the encoded message using

the key, and

the recovered message to be provided from

the third node to

the second node *[figures 4-7 and associated*

descriptions, as broadly interpreted by the examiner.].".

Further, as per claim 37, this claim is the embodied software claim for the method claim 31 above, and is rejected for the same reasons provided for the claim 31 rejection, as such; "A computer-readable medium for controlling access to a message that is communicated from a first node to a second node in a network, the computer-readable medium carrying one or more sequences of one or more instructions which, when executed by one or more processors, cause the one or more processors to perform the steps of:

generating, at the first node, an encoded message by encoding the message with a key;

generating, at the first node, a set of one or more instructions that contain the encoded message and instructions for transferring to a third node the encoded message and instructions for retrieving the key;

providing the set of one or more instructions to the second node;

wherein, processing the set of one or more instructions at the second node causes the encoded message and the instructions for retrieving the key to be transferred to the third node; and

wherein, the receiving, at the third node, of the encoded message and the instructions for retrieving the key causes: the message to be recovered from the encoded message by retrieving the key, and decoding the encoded message using the key, and the recovered message to be provided from the third node to the second node.".

Further, as per claim 43, this claim is the apparatus claim for the method claim 31 above, and is rejected for the same reasons provided for the claim 31 rejection, as such; "A computer

system for controlling access to a message that is communicated from a first node to a second

node in a network, the computer system comprising:

one or more processors; and

a memory communicatively coupled to the one or more processors and carrying one or

more sequences of one or more instructions which, when executed by the one or more

processors, causes the one or more processors to perform the steps of:

generating, at the first node, an encoded message by encoding the message with a

key;

generating, at the first node, a set of one or more instructions that contain the

encoded message and instructions for transferring to a third node the encoded message

and instructions for retrieving the key;

providing the set of one or more instructions to the second node;

wherein, processing the set of one or more instructions at the second node causes

the encoded message and the instructions for retrieving the key to be transferred to the

third node; and

wherein, the receiving, at the third mode, of the encoded message and the

instructions for retrieving the key causes: the message to be recovered from the encoded

message by retrieving the key, and decoding the encoded message using the key, and the

recovered message to be provided from the third node to the second node.".

7.   Claim 32 *additionally recites* the limitation that; "The method as recited in Claim 31,

wherein

the receiving, at the third node, of the encoded message and the instructions for retrieving

the key, further causes

the key to be deleted from the third node after the encoded message is decoded.".

The teachings of Matsumoto are directed towards such limitations (figures 4-7 and associated

descriptions, whereas the individual chat clients on the chat network receiving secret keys,

subsequently transferring data, and the channel status monitor section (i.e., figure 7) generating

another replacement secret key (i.e., inherently deleting the effective chat data transfer key, in of

itself a function of a policy per se that is an operational characteristic of the chat system), clearly

encompasses the "...deleting ... key", as broadly interpreted by the examiner.).

Further, as per claim 38, this claim is the embodied software claim for the method claim

32 above, and is rejected for the same reasons provided for the claim 32 rejection, as such; "The

computer-readable medium as recited in Claim 37, wherein

the receiving, at the third node, of the encoded message and the instructions for retrieving

the key, further causes

the key to be deleted from the third node after the encoded message is decoded.".

Further, as per claim 44, this claim is the apparatus claim for the method claim 32 above,

and is rejected for the same reasons provided for the claim 32 rejection, as such; "The computer

system as recited in Claim 43, wherein the receiving, at the third node, of the encoded message

and the instructions for retrieving the key, further causes the key to be deleted from the third

node after they encoded message is decoded.

8.   Claim 33 *additionally recites* the limitation that; "The method as recited in Claim 31,

wherein

        the set of one or more instructions that contain the encoded message and instructions for

transferring to a third node the encoded message and instructions for retrieving the key

comprises

                an HTML document.".

The teachings of Matsumoto are directed towards such limitations (figures 4-7 and associated

descriptions, whereas the individual chat clients on the chat network of which the Internet is

taught to be one embodied network of which the packet transfer nature of the Internet WWW (of

which HTML documents are an inherent part of the communications protocol), consisting of data

fragments, clearly encompasses the "... instructions ... message ... key ... HTML document", as

broadly interpreted by the examiner.).

        Further, as per claim 39, this claim is the embodied software claim for the method claim

33 above, and is rejected for the same reasons provided for the claim 33 rejection, as such; "The

computer-readable medium as recited in Claim 37, wherein

        the set of one or more instructions that contain the encoded message and instructions for

transferring to a third node the encoded message and instructions for retrieving the key

comprises

                an HTML document.".

Further, as per claim 45, this claim is the apparatus claim for the method claim 33 above,

and is rejected for the same reasons provided for the claim 33 rejection, as such; "The computer

system as recited in Claim 43, wherein the set of one or more instructions that contain the

encoded message and instructions for transferring to a third node the encoded message and

instructions for retrieving the key comprises an HTML document.".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claims 18,19,23,24,28,29,34-36,40-42,46-48 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Matsumoto, U.S. Patent 6,215,877 B1 as applied to claims

16,21,26,31,37,43 above, and further in view of Gupta et al, U.S. Patent 6,226,752 B1.

10.   As per claim 18; "The method as recited in Claim 16, wherein

the set of one or more instructions comprises

a set of Javascript instructions.".

Further, as per claim 23, this claim is the apparatus claim for the method claim 18 above,

and is rejected for the same reasons provided for the claim 18 rejection, as such; "The computer-

readable medium as recited in Claim 21, wherein

the set of one or more instructions comprises

a set of Javascript instructions.".

Further, as per claim 28, this claim is the apparatus claim for the method claim 18 above, and is rejected for the same reasons provided for the claim 18 rejection, as such; "The computer system as recited in Claim 26, wherein

the set of one or more instructions comprises

a set of Javascript instructions.".

11.   Claim 19 *additionally recites* the limitation that; "The method as recited in Claim 16, wherein

the set of one or more instructions comprises

a set of Java applet instructions.".

Further, as per claim 24, this claim is the apparatus claim for the method claim 19 above, and is rejected for the same reasons provided for the claim 19 rejection, as such; "The computer-readable medium as recited in Claim 21, wherein

the set of one or more instructions comprises

a set of Java applet instructions.".

Further, as per claim 29, this claim is the apparatus claim for the method claim 19 above,

and is rejected for the same reasons provided for the claim 19 rejection, as such; "The computer

system as recited in Claim 26, wherein

the set of one or more instructions comprises

a set of Java applet instructions.".

12.   Claim 34 *additionally recites* the limitation that; "The method as recited in Claim 33,

wherein

the HTML document comprises

an HTML form with fields containing

the encoded message and

key address data,

a submit button to

submit the form to the third node, and

JavaScript to

automatically submit the form to the third node.".

Further, as per claim 40, this claim is the embodied software claim for the method claim

34 above, and is rejected for the same reasons provided for the claim 34 rejection, as such; "The

computer-readable medium as recited in Claim 39, wherein

the HTML document comprises

an HTML form with fields containing

the encoded message and

key address data,

a submit button to

submit the form to the third node, and

JavaScript to

automatically submit the form to the third node.".

Further, as per claim 46, this claim is the apparatus claim for the method claim 34 above, and is rejected for the same reasons provided for the claim 34 rejection, as such; "The computer system as recited in Claim 45, wherein the HTML document comprises an HTML form with fields containing the encoded message and key address data, a submit button to submit the form to the third node, and JavaScript to automatically submit the form to the third node.".

13.   Claim 35 *additionally recites* the limitation that; "The method as recited in Claim 33, wherein

the HTML document comprises

a set of associated URLs embedded in multiple

<img>,

<ilayer>,

<applet>, or

<iframe> elements,

wherein each URL contains

fragments of the encoded message and

key address data as URL query parameters, and

wherein each URL specifies

the location of the third node.".

Further, as per claim 41, this claim is the embodied software claim for the method claim

35 above, and is rejected for the same reasons provided for the claim 35 rejection, as such; "The

computer.-readable medium as recited in Claim 39, wherein

the HTML document comprises

a set of associated URLs embedded in multiple

<imp>,

<ilayer>,

<applet>, or

<iframe> elements,

wherein each URL contains fragments of

the encoded message and

key address data as URL query parameters, and

wherein each URL specifies

the location of the third node.".

Further, as per claim 47, this claim is the apparatus claim for the method claim 35 above,

and is rejected for the same reasons provided for the claim 35 rejection, as such; "The computer

system as recited in Claim 45, wherein the HTML document comprises a set of associated URLs

embedded in multiple <img>, <ilayer>, <applet>, or <iframe> elements, wherein each URL

contains fragments of the encoded message and key address data as URL query parameters, and

wherein each URL specifies the location of the third node.".

14.   Claim 36 *additionally recites* the limitation that; "The method as recited in Claim 35,

wherein

> the URL query parameters also contain

>> control information, which

>>> specifies

>>>> the order and

>>>> number of message fragments, and

>>> enables the third node to

>>>> reconstruct the complete message.".

Further, as per claim 42, this claim is the embodied software claim for the method claim

36 above, and is rejected for the same reasons provided for the claim 36 rejection, as such; "The

computer-readable medium as recited in Claim 41, wherein

> the URL query parameters also contain

>> control information, which

>>> specifies

>>>> the order and

number of message fragments, and

enables the third node to

reconstruct the complete message.".

Further, as per claim 48, this claim is the apparatus claim for the method claim 36 above, and is rejected for the same reasons provided for the claim 36 rejection, as such; "The computer system as recited in Claim 47, wherein the URL query parameters also contain control information, which specifies the order and number of message fragments, and enables the third node to reconstruct the complete message.

The teachings of Matsumoto suggest the base claims limitations (see "As per claim 16, ... As per claim 21, ...26, ...31, ...37, ...43" paragraphs above) *without explicitly teaching* of the use of the Internet WWW web page features/embedded elements (i.e., Java, Javascript, specific field within a web page embedded linking criteria, etc.,) for the chat node to chat node and key management server communications protocols.

Gupta et al, teaches of using a multiple node client / server message / user authentication / encryption method / apparatus that is, in multiple embodiments, implemented using various object oriented and more specifically, web based programming languages (i.e., Java and its associated variants and scripting derivatives; Gupta et al col. 8,lines 61-col. 14,line 64) and applications (i.e., email, browsing per se). The Gupta et al invention also clearly encompasses the security aspects associated with the applicants network message communications aspects (i.e., Gupta et al, figure 2 and associated descriptions).

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the

invention to have been motivated to combine the Matsumoto network message communication,

with the Gupta et al teachings of object oriented / web based programming and applications in

order to provide the WWW orientation of the generally Internet oriented Matsumoto network

message communication invention.

Such motivation to combine would clearly encompass the need to allow comprehensive

WWW aspects of the Internet based network communications in cryptographic oriented network

communications (i.e., Gupta et al col. 1,lines 5-col. 6,line 51).

Response to Amendment

15.   As per applicant's argument concerning the lack of teaching by Matsumoto of "...

generating a set of ... instructions contain the encoded and instructions ... decoding ... using

key ...", the examiner has fully considered in this response to amendment; the arguments, and

finds them not to be persuasive. The claim language is not directed to such specificity aspects of

the nature of instructions (i.e., from a protocol aspect of parameter specification used on the

receiver side to a meta level of instruction at a higher level of abstraction), either explicitly or

implicitly. The examiner interprets the applicant's use of the phrase "... instruction ..." in the

broader interpretive sense in that the assembly/building of a message/packet stream in an Internet

message used in the Matsumoto chat channel communications channel inherently involves the

assembly of fields that contain the required network routing parameters for the real time transfer

of said packets (i.e., generating 'instructions'). Typically, these network routing parameters for

the real time transfer are assembled in the header portion of any data stream (i.e., the headers in

any level of the physical to network layers, at the very least), and additionally as referenced by

associated security policy associated with the Internet secure transport protocols (i.e., SSL etc.,

for WEB aspects of secure session establishment). The examiner disagrees that figure 4 and

associated descriptions fails to teach that the Matsumoto chat system on the Internet involves the

generated/transferred instructions aspects of the claim limitations. Therefore, as being *broadly*

interpreted by the examiner, as per the claim language, would therefore be applicable in the

rejection, such that the rejection support reference collectively encompass the said claim

limitations in their entirety.

16.   As per applicant's argument concerning the lack of teaching by Matsumoto of the multi

network node message/packet 'hopping' transfer/encrypt/decrypt variation of the basic claim 16

limitations, the examiner has fully considered in this response to amendment; the arguments, and

finds them not to be persuasive. As described above, in the broader interpretive sense the

assembly/building of a message/packet stream in an Internet message used in the Matsumoto

chat channel communications channel inherently involves the required network routing and real

time transfer of said packets over intermediate (third at the very least) nodes (i.e., routers,

gateways, etc.), clearly involving the transfer/encrypt/decrypt variation of the basic claim 16

limitations. Therefore, as being *broadly interpreted by the examiner*, as per the claim language,

would therefore be applicable in the rejection, such that the rejection support reference

collectively encompass the said claim limitations in their entirety.

17.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

> A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing
> date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final
> action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory
> period, then the shortened statutory period will expire on the date the advisory action is mailed, and any
> extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no
> event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this
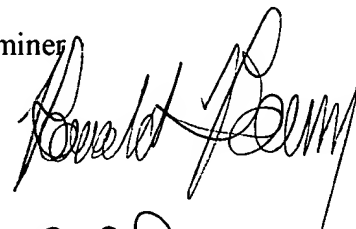> final action.

Conclusion

18.   Any inquiry concerning this communication or earlier communications from examiner

should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose

unofficial Fax number is (571) 273-3861. The examiner can normally be reached Monday

through Thursday from 8:00 AM to 5:30 PM.

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The Fax number for the organization

where this application is assigned is **571-273-8300**.

   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. For more information for

unpublished applications is available through Private PAIR only. For more information about the

PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

                              Ronald Baum

                              Patent Examiner